

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 4 is amended. Claims 18-24 are added. No new matter is added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with appropriate, defined status identifiers.

#### **Abstract of Disclosure**

The specification was objected to by the Examiner. Applicant has amended the Abstract herein. Applicant respectfully requests withdrawal of the objection.

#### **Rejection under 35 U.S.C. §103**

The Examiner has rejected Claims 1-4, 6-12 and 14-17 under 35 U.S.C. §103(a) as unpatentable over U.S. 2004/0090937 (Chaskar *et al.*) in view of U.S. 2004/0267874 (Westberg *et al.*) The Examiner has rejected Claims 5 and 13 under 35 U.S.C. §103(a) as unpatentable over Chaskar *et al.* in view of Westberg *et al.* and further in view of U.S. 2005/0163078 (Oba *et al.*). Applicant respectfully traverses the rejections.

Applicants submit that Chaskar *et al.* is not prior art under 35 U.S.C. 103(a) because Chaskar *et al.* and Applicant have the same assignee (i.e. “Nokia Corporation”). 35 U.S.C. 103(c)(1) states:

“Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” (Emphasis added).

Since Chaskar *et al.* was published on May 13, 2004 and Applicant's effective filing date is June 24, 2004, 2004/0090937 qualifies as prior art only under subsection (e) of section 102.

As shown in Reel/Frame 014224/0413 and 014919/0325, Chaskar *et al.* was assigned to Nokia Corporation. The claimed invention was also assigned to Nokia Corporation, as shown in reel/frame 018376/0190. Since Chaskar *et al.* does not qualify as prior art, the rejections cannot be properly maintained. Applicant respectfully requests withdrawal of the rejections. In addition, Applicants reserve the right to further argue all prior art not discussed.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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